

## FAC/FCJ Manual Processing for Circuit Court Cases

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### **Procedures:**

Circuit, probate, municipal, and District courts are required by statute and court rule to process Fail to Appear in Court/Fail to Comply with Judgment on all abstractable cases written under the vehicle code, pursuant to Section 257.321a. Remember HYTA status is not a conviction-but you can do a FAC (failure to appear) just be sure not to indicate on the Suspension Notice the offense-as on all Suspension Notices in #12- type "Failure to Appear".

The court must notice operators before an FAC/FCJ action may be imposed.

Driver licenses will be held and not be issued for noncompliance. The driver will not be able to renew, obtain a duplicate or license correction until the matters pending at the court have been cleared and the driver has paid the additional \$45.00 for each hold. The \$45.00 is divided up as follows: \$15.00-County; \$15.00 Jury (reportable on the monthly transmittal) and \$15.00 for SOS (which they will bill you after a clearance form has been mailed in).

### **Noticing Requirements:**

#### Operating Alcohol/Controlled Substance Violations

- Notice of noncompliance with an alcohol/controlled substances violation is sent to the driver on the day of noncompliance
- Court waits 7 days for FAC
- Court waits 14 days for FCJ
- If no response from Defendant, court sends suspension notice to the Department of State.
- The Department of State suspends the driver's license. The license remains suspended until the court notifies the department that the driver has complied with all matters pending at the court and has paid a \$45.00 reinstatement fee to the court.

### **Suspensions:**

When an FAC/FCJ suspension is posted to the driving record, the information is suppressed from the status inquiry for five days. This five-day suppression allows for the mailing of the notice to the individual by SOS.

FAC/FCJ suspensions that are issued in error, i.e., wrong person, clerical oversight, etc. are deleted from the driving record; therefore, no fee is needed. Requests for removal of FAC/FCJ suspensions due to error must be fully documented. When a suspension entry is to be removed from the driving record, you may use the clearance copy of the DSI-62. Indicate on the form "issued in error, please delete," and the reason for removal, i.e., "wrong defendant."

Deletions should be requested ONLY in instances when the suspension was ordered erroneously.

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<sup>1</sup> Information obtained from Driver Records Information Manual for Judicial Systems

If reporting manually, separate the deletions from your other clearances and identify them in order to alert the SOS staff that special handling is required.

### **Terminating a Suspension/Clearing Suspensions:**

FAC/FCJ suspensions are ended when all matters relating to the violation are resolved with the court. This process is also called “clearing suspensions,” “lifting suspensions,” or “terminating suspensions.” Your court determines when all matters relating to the violation are resolved.

Using the copies labeled “Clearance of Failure to Appear in Court, Comply with Judgment or Clear Parking Violations” follow these steps:

- Enter the date in the “date cleared” space. This could be the current date or the dated payment was received. This date cannot be in the future.
- Provide a signature on the same line as the “date cleared,” using the procedure set up by your court.
- Distribute the copies:
  - Top clearance copy – mail to:
    - Michigan Department of State  
Abstract Processing Unit  
7064 Crowner  
Lansing, MI 48918-1560

Please do not advise people to go to the Secretary of State Branch office to clear an FAC/FCJ suspension.

The suspension will be cleared within a reasonable period of time after the Secretary of State receives the clearance from the court.

### **Billing Report for FAC/FCJ:**

When reconciling the FAC/FCJ billing report, courts should do as follows:

- Line out the amount filled if it is in conflict with the check you are sending, and insert the amount actually remitted.
- Send the recap sheet with your check.

If a clearance does not appear on you billing, and two months have expired, add the name, driver license number, and case number to the billing and \$15.00 for each missing record to the totals.

Run the record to verify if suspension is still on *MDR*. If no suspension is on the system, do not send clearance. If still suspended, send copies of the clearance to Abstract Processing Unit. This allows the department to clear suspensions from these driving records. If you continue to experience problems with your billing report, please contact Court Liaison, Sandy Aguirre 517-373-2173.

**Completing a Suspension Notice:**

**See Section IV of the Michigan Department of State Court Manual, make special note of the boxes marked:**

**“Offense Cd”** type the four-digit Offense Code number for the type of violation committed. This number creates an offense description on the driving record. Failure to Appear is 9300.

**“Susp” Field** type the letter code showing the suspension type:

F= FAC suspension (misdemeanors) and drug crimes

J= FCJ suspension (alcohol related misdemeanors or civil infractions)

**SAMPLE SUSPENSION NOTICE**  
(Sample DS1-62)

**FAILURE TO APPEAR IN COURT, COMPLY WITH JUDGMENT OR CLEAR PARKING VIOLATIONS  
SUSPENSION NOTIFICATION**

License No. 1		Name 2				Birth Date 3		Court Code 4	
Violation Date 5	Court Date 6	Offense Cd 7	Speed 8	Susp. 9	Court Fee No. 10				
Street 11		City			State			Zip	
Nature of Offense 12		<div style="display: flex; justify-content: space-between;"> <div>Date Suspension Ordered 14</div> <div>Chief Clerk or Administrator 15</div> </div>							
Ticket No. 13									

MAIL THIS FORM TO: Michigan Department of State  
Abstract Processing Unit  
Lansing, MI 48918-1560

**SUSPENSION NOTICE**

DSI-62 REV. 12/96

Authority granted under Act  
No. 300 of 1949, as amended.

Court  
Address 16

**SAMPLE FAC/FCJ/FCPV**

**CLEARANCE OF  
FAILURE TO APPEAR IN COURT, COMPLY WITH JUDGMENT OR CLEAR PARKING VIOLATIONS**

License No. 1		Name 2				Birth Date 3		Court Code 4	
Violation Date 5	Court Date 6	Offense Cd 7	Speed 8	Susp. 9	Court File No. 10		18 <input type="checkbox"/> W 20 <input type="checkbox"/> D		
Street 11		City			State			Zip	
Nature of Offense 12		<div style="display: flex; justify-content: space-between;"> <div>Date Suspension Ordered 14</div> <div>Chief Clerk or Administrator 15</div> </div>							
Ticket No. 13									

MAIL THIS FORM TO: Michigan Department of State  
Abstract Processing Unit  
Lansing, MI 48918-1560

Date Cleared 17

Chief Clerk or Administrator 18

DSI-62 REV. 12/96

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Address 16

PART 1: Abstract Processing Unit

PART 2: Secretary of State upon clearance